

Agenda Item	
	Pledge of Allegiance
A-1	No one wished to be heard during the Open Comment Period.
B-1	<p>President Dennis Hanson called the meeting to order at 7:00 P.M. with the following members present: Councilmembers Pat Carr, Ed Hruska, Marcia Marcoux, Jean McConnell, Sandra Means, Bob Nowicki. Absent: None. Mayor Ardell F. Brede was not present.</p> <p>Members of Boy Scout Troop #102 from Holmes School and Boy Scout Troop #296 from Rochester were recognized in the audience.</p>
D-1-17	Councilmembers McConnell moved, Marcoux seconded, to approve the consent agenda items.
D-1	Approved the minutes of the December 20, 2004, and January 3, 2005, Council meetings.
D-2	Approved the appointment of Kathleen Augustine to the Civic Music Board for the term running to December 31, 2007.
D-3	See at end of D Items.
D-4	<p>Approved the following licenses and miscellaneous activities:</p> <p><u>Beer – Temporary On-Sale 3.2 Percent</u> Church of St. Pius – Annual Polka Mass – February 5, 2005</p> <p><u>Dance – Temporary</u> Church of St. Pius – Annual Polka Mass – February 5, 2005</p> <p><u>Gambling – Temporary</u> Senior Citizens Services, Inc. – Raffle – April 9, 2005 Olmsted County 4-H – Raffle at 4-H Building – May 1, 2005 St. John the Evangelist School – Raffle – May 13, 2005</p> <p><u>Gambling – Premise Permit</u> Dover Fire Relief Association – Premise at Comfort Inn and O'Neill's Pizza, Inc.</p> <p><u>Sewer and Drain</u> T &amp; J Concrete &amp; Masonry, Ham Lake, Minnesota</p> <p><u>Miscellaneous City Activities</u> National Multiple Sclerosis Society – MS Walk at Soldiers Field – May 1, 2005 – 7:00 AM to 4:00 PM Arthritis Foundation – 5K Arthritis Walk/Run – Silver Lake – May 14, 2005 – 8:00 to 11:00 AM</p>

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D-5	Approved Accounts Payable in the amount of \$4,509,419.99 and Investment Purchases of \$9,907,124.02.
D-6	Accepted the donation of \$1500 from Applebee's for training expenses for the Rochester Fire Department.
D-7	Adopted Resolution No. 019-05 approving the Labor Agreement with AFSCME for 2005-2007.
D-8	Approved the submission of an application to initiate adoption of the Cascade Lake Park General Development Plan.
D-9	Adopted Resolution No. 020-05 acknowledging the City's support and priority of the State Transportation Improvement Program road projects and authorizing the City Engineer to act on behalf of the City to file and administer applications and guarantee local share contributions.
D-10	See at end of D Items.
D-11	Adopted Resolution No. 021-05 approving the Development Agreement with First Baptist Church located north of Sales Road S.W., and east of Autumn Ridge Road S.W.
D-12	See at end of D Items.
D-13	<p>Adopted Resolution No. 022-05 amending Paragraph 132.45 and 132.5 of Section B "No Parking" of the Comprehensive Traffic and Parking Resolution Book, to read:</p> <p style="padding-left: 40px;">(132.45) 6th Street SW, from 14<sup>th</sup> Avenue SW to 220 feet, more or less, east of 14<sup>th</sup> Avenue SW, on the north side, at all times.</p> <p style="padding-left: 40px;">(132.5) 6<sup>th</sup> Street SW, on the south side from 10<sup>th</sup> Avenue SW to 14<sup>th</sup> Avenue SW, and on the north side from 10<sup>th</sup> Avenue SW to 220 feet, more or less, east of 14<sup>th</sup> Avenue SW; 6:00 AM to 9:00 AM and 3:00 PM to 5:30 PM, Monday through Friday.</p>
D-14	Adopted Resolution No. 023-05 approving the execution of the North Star Business Park Development Agreement with Joel Bigelow & Sons Enterprises, Inc.
D-15	Adopted Resolution No. 024-05 approving an Agreement with Integrated Technology Engineering, Inc. to provide the services for the computer software development associated with 2004 Plant Upgrade and Expansion projects at a cost not to exceed \$448,000 without further authorization by the City Administrator.
D-16	Adopted Resolution No. 025-05 authorizing the City Clerk to advertise for bids for Project No. J-6971 "Phase II for Extension of Runway 13-31 at the Rochester International Airport".

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D-17	<p>Adopted Resolution No. 026-05 acknowledging the City's support, sponsorship and priority of the path projects for FY 2008 and 2009 Federal Highway Enhancement Funds and authorizing the City Engineer to act on the City's behalf in filing and administering the application.</p> <p>Ayes (7), Nays (0). Motion carried</p>
D-3	<p>Councilmember Means noted that initially when the Southeast Minnesota Mediation Services (SEMMS) request for CDBG (Community Development Block Grant) funding came before the Council, she voted against any funding due to the fact that Olmsted County provided mediation services through ADR (Alternative Dispute Resolution). Olmsted County has now decided to provide only limited funding to ADR for the mediations services due to complaints coming to the County Human Rights Commission. SEMMS serves a broad audience including disputes between landlord/tenants, family parenting, workplace issues and general conflicts associated with poor communications. The mediators are Minnesota Supreme Court qualified professional volunteers. The clients using the services are 80 percent City residents whose incomes are between moderate to below the poverty level.</p> <p>Councilmember Means moved, McConnell seconded, to reconsider the request from SEMMS, at a public hearing, for CDBG funds upon receipt of the funds if any unused funds are available under the public service activities. Discussion.</p> <p>It was noted that funds will be reduced \$33,000 from the original amount to be received from CDBG. Councilmembers were concerned that adequate funding would not be available for those programs previously approved. Steve Kvenvold, City Administrator, said that CDBG funding would be reduced proportionately for those agencies previously approved by the Council. The request from SEMMS could only be reconsidered after the appropriation of Public Service Activities awards.</p> <p>Ayes (7), Nays (0). Motion carried.</p>
D-10	<p>Councilmember Means asked if the words "shall or will" be used instead of "may" in items B and C in the resolution establishing Responsible Bidder Evaluation. She also asked if the point system should be used on all bidders.</p> <p>City Attorney Terry Adkins said that the words "shall or will" would require the policy to be used in every project. He said that Public Works wants the ability to impose the requirements on those projects where prior experience or results need to be known or met. Mr. Adkins said the determination would be made by project; i.e., the Water Reclamation Plant project is much more complex than a typical bid for the laying of asphalt.</p> <p>Councilmembers Nowicki moved, Marcoux seconded, to adopt Resolution No. 027-05 setting forth a policy establishing a Responsible Bidder Evaluation. Ayes (7), Nays (0). Motion carried.</p>

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D-12	<p>Councilmember Nowicki wanted to call to attention the project for the storm sewer remedial work to alleviate the concerns of some of the residents of the Century Hills area.</p> <p>Councilmembers Nowicki moved, McConnell seconded, to adopt Resolution No. 028-05 awarding the contract for Project No. M4-50 (J-6525) "Storm Sewer Remedial Work for Pond No. 71 in Century Hills 1<sup>st</sup> Subdivision" to Winona Mechanical for \$18,551.50. Ayes (7), Nays (0). Motion carried.</p>
E-1	<p>A Continued Hearing on Type III, Phase III Conditional Use Permit #04-41, by William Radichel. Proposing to fill in the 100-year Flood Fringe District to elevate property for commercial development located north of TH 14, east of West Circle Drive and south of the railroad right-of-way.</p> <p>Wishing to be heard was Elizabeth Esbri, McGhie &amp; Betts, representing William Radichel. She said that they were in agreements with the three conditions.</p> <p>Having no one further wishing to be heard, President Hunziker closed the hearing.</p> <p>Councilmembers Marcoux moved, Nowicki seconded, to adopt Resolution No. 029-05 approving Conditional Use Permit #04-41, by William Radichel with three conditions. Ayes (7), Nays (0). Motion carried.</p>
E-2	<p>A Hearing to Consider Expansion of Residential Permit Parking Zone 5 on 12<sup>th</sup> and 13<sup>th</sup> Avenue N.W. between 4<sup>th</sup> and 4 ½ Streets N.W.</p> <p>Wishing to be heard was Marie Fanning, 1241 Fourth Street N.W. She said that she and her husband have owned and live in a duplex for the past 15 years. She is opposed to the residential permit parking for the area. She has obtained 23 signatures from neighbors opposed to the parking permit area. Ms. Fanning said that she did not understand the reason for having the permit parking area. Most of the homes are single family with two cars per each. She said that there are very few cars on the street, her rental permit has increased, her taxes have increased, and she does not want to pay to park on her own street. Ms. Fanning said that some of the residents had previously signed the petition for the residential permit parking not understanding what they were asking for.</p> <p>Councilmembers asked about the number of signatures and the possibility of duplicate signatures on both petitions. David Kramer, Public Works Department, said that a house would count as one signature, not two. Councilmember Marcoux pointed out the new policy that requires that at least 75 percent of the residential units must want the residential parking before it is approved.</p> <p>Wishing to be heard was Barb Bawek, 1202 Fourth Street N.W. Mr. Bawek said that she started the petition with her neighbor. She lives on the corner of 12<sup>th</sup> Avenue and 4<sup>th</sup> Street N.W. The petition was started in 2002 but with the turnover of residents, it has taken this long to obtain the 75 percent of signatures required. She has Mayo Clinic employees and construction worker parking and knows that it will get worse. Ms. Bawek said that the extra parking of workers may not have any</p>

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effect on the middle of the block but there needs to be some type of restriction in her area.

Wishing to be heard was Eric Amundsen, 413 13<sup>th</sup> Avenue N.W., opposing the parking permit area. He said that his name was probably on both lists as he did not understand what the restricted parking consisted of when he signed it.

Wishing to be heard was Michael Burke, 1258 Fourth Street N.W. Mr. Burke asked about parking for private service contractors doing work if there is not enough room in the driveway for them to park. He was told that the contractors would need to obtain a temporary parking permit from the City Clerk.

Wishing to be heard was Conrad Richter, 1200 Fourth Street N.W. He said that he was for the permit parking area. The Mayo Clinic provides parking for employees west of town but the employees park on these streets because it is a convenience for them.

Having no one further wishing to be heard, President Hanson closed the hearing.

There was discussion on the requirement of the 75 percent, the duplication of signatures, and the possibility of two-hour parking for the area. It was noted that the Police Department find it difficult to patrol two-hour parking areas and issue tickets on a regular basis.

Councilmembers Marcoux moved, Carr seconded, to re-open the hearing and continue the hearing on Expansion of Residential Permit Parking Zone 5 on 12<sup>th</sup> and 13<sup>th</sup> Avenue N.W. between 4<sup>th</sup> and 4 ½ Streets N.W. to the February 7, 2005, meeting. Ayes (7), Nays (0). Motion carried.

J-1

Having no further business, Councilmembers Nowicki moved, Marcoux seconded, to adjourn the meeting. Ayes (7), Nays (0). Motion carried.

  
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City Clerk